

1999 DRAFTING REQUEST**Bill**Received: **09/24/98**Received By: **nilsepe**Wanted: **As time permits**

Identical to LRB:

For: **Transportation** (Brandenuehl)By/Representing: **Lis Gorenstein**This file may be shown to any legislator: **NO**Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - mot veh dealers**Extra Copies: **TNF****Topic:**

Dealer plate violation penalties

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 11/9/98						
/1	nilsepe 12/17/98	wjackson 12/17/98	lpaasch 11/30/98		lrb_docadmin 11/30/98 gretskl 12/7/98 lrb_docadmin 12/7/98 lrb_docadmin 12/7/98	lrb_docadmin 12/15/98	
/2			ismith 12/17/98		gretskl 12/17/98	lrb_docadmin 12/17/98	

FE Sent For:

12/15/98 3:00:56 PM
Page .1

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/?	nilsepe 11/9/98	12 WJ 12/17					
/1		12-12-17 Kmg	lpaasch 11/30/98	12/17	lrb_docadmin 11/30/98	lrb_docadmin 12/15/98	
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					lrb_docadmin 12/7/98		
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/?	nilsepe 11/9/98	wjackson 11/30/98		_____ _____			
/1			lpaasch 11/30/98	_____ _____	lrb_docadmin 11/30/98		

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<END>

9/24/98 9:11:51 AM
Page 1

1999 DRAFTING REQUEST**Bill**

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Wanted: As time permits

Identical to LRB:

For: Transportation

By/Representing: Lis Gorenstein

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1?	nilsepe	11-11-27 Kmg	11-30-98	11-30-98 <u>hmb</u>			

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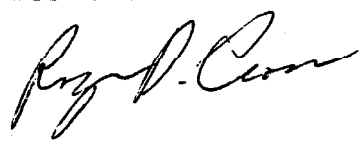
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7048
9

-0298

**WISCONSIN DEPARTMENT OF TRANSPORTATION
LEGISLATIVE PROPOSAL FORM
BUDGET / NON-BUDGET**

SHORT TITLE OF ISSUE: Dealer plate violation

DIVISION(S): Motor Vehicles, Bureau of Vehicle Services	DIVISION ADMINISTRATORS' SIGNATURES: 
DATE: August 26, 1998	TELEPHONE #:266-0179 TELEPHONE #:266-7857; 267-3635 TELEPHONE #:266-7364
OPB CONTACT PERSON: Lis Gorenstein	
LEAD DIVISION CONTACT PERSON: Carson P. Frazier; Cathy Skaar	
OGC CONTACT PERSON: Joe Maassen	
DEFINE PROBLEM PRECISELY	
<p>The department is required to revoke the license of a dealer, distributor or manufacturer convicted for misuse of dealer plates under s. 341.55(1) a second or subsequent time within the same registration year. The department is also required to revoke the license of a transporter convicted for misuse of plates under s. 341.55(3) a second or subsequent time within the same license period. These requirements have proven to be unworkable and unreasonable consequences for the actions.</p> <p>Section 341.55 provides for a maximum forfeiture of \$200 for misuse of dealer plates. Forfeitures issued by law enforcement agencies and collected by courts are more reasonable consequences for the action.</p> <p>The provision makes even less sense in light of the long-term trend in the motor vehicle industry toward large dealerships with very large staffs and inventories. Two violations per year are much more likely among these dealers than among the smaller traditional dealerships that the original drafter of subs. 218.01(3a) probably envisioned.</p>	
PROPOSED SOLUTION	
<p>Repeal s. 218.01(3a) requiring the department to revoke the license of a dealer, distributor, manufacturer or transporter for misuse of dealer plates. Retain the \$200 forfeiture for misuse of dealer plates provided for in s. 341.55 which is a more reasonable consequence for the action and considerably easier to administer.</p>	
LEGISLATIVE BACKGROUND	
None.	



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-02982

PEN.....
wj:Kmg

71

PRELIMINARY DRAFT NOT READY FOR INTRODUCTION

insert

which authorize the operation of

gen cat

, transporter

upon a highway

- 1 AN ACT ...; relating to: misuse of a distinctive dealer registration plate by a
2 motor vehicle dealer, distributor or manufacturer.

Analysis by the Legislative Reference Bureau

(DOT)

Current law prohibits any person from acting as a motor vehicle dealer, distributor or manufacturer unless the person possesses a license issued by the department of transportation authorizing the activity. Licensed motor vehicle dealers, distributors or manufacturers may register with DOT and receive distinctive "dealer" registration plates for use on unregistered motor vehicles. A person registered as a motor vehicle dealer, distributor or manufacturer may operate an unregistered motor vehicle upon the highway if the vehicle bears these distinctive dealer plates. (Generally, in contrast, current law requires that all motor vehicles (rather than their operators) be registered before being operated upon a highway.

Second

Current law also requires DOT to revoke the motor vehicle dealer, distributor or manufacturer license of a motor vehicle dealer, distributor or manufacturer who, for the ~~2nd~~ or subsequent time within one registration year, operates or consents to the operation of a vehicle under purported authority of a dealer registration plate when the vehicle is not owned or being repossessed by the dealer, distributor or manufacturer or is not otherwise authorized to be operated under authority of the dealer registration plates. A motor vehicle dealer, distributor or manufacturer may also be required to pay a forfeiture of \$200 for each offense.

This bill repeals the requirement that DOT revoke the license of a motor vehicle dealer, distributor or manufacturer for misusing or consenting to the misuse of a distinctive dealer registration plate for a ~~2nd~~ or subsequent time within one registration year.

second

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 218.01 (3a) of the statutes is repealed.

2

(END)

insert
2-2

insert
2-2

Section #. 218.01 (8) of the statutes is amended to read:

218.01 (8) PENALTIES. Except for sub. (3) (a) 1., 3., 6., 7., 11., 12., 13., 20., 25., 29. and 30., and except for violations for sub. (2) (a), (2a), [↓](3a) (c) or (7b), any person violating this section may be required to forfeit not less than \$25 nor more than \$500 for each violation.

~~History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.~~

(end insert)

Nilsen, Paul

From: Frazier, Carson [carson.frazier@dot.state.wi.us]
Sent: Thursday, December 03, 1998 9:57 AM
To: Buckmaster, Carol; Nilsen, Paul; Krause, Sheri
Cc: Gorenstein, Elisabeth; SUPPLE, JR; Skaar, Cathy
Subject: LRB draft, misuse of dealer plates

Paul: LRB-0298/1 relating to misuse of distinctive daler registration plates, is just fine. Can you get the draft over to Sheri? Thank you very much for not only this draft but everything, I know you are inundated and we sure appreciate your rapid work in the overwhelming circumstances!



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0298/1
PEN:wlj&kmg:lp

stays

2

1999 BILL

REGEN

- 1 AN ACT *to repeal* 218.01 (3a); and *to amend* 218.01 (8) of the statutes; relating
- 2 to: misuse of a distinctive dealer registration plate by a motor vehicle dealer,
- 3 distributor, transporter or manufacturer.

Analysis by the Legislative Reference Bureau

Current law prohibits any person from acting as a motor vehicle dealer, distributor or manufacturer unless the person possesses a license issued by the department of transportation (DOT) authorizing the activity. Licensed motor vehicle dealers, distributors or manufacturers may register with DOT and receive distinctive "dealer" registration plates, which authorize the operation of unregistered motor vehicles upon a highway. In contrast, current law generally requires that all motor vehicles (rather than their operators) be registered before being operated upon a highway.

Current law also requires DOT to revoke the motor vehicle dealer, distributor or manufacturer license of a motor vehicle dealer, distributor or manufacturer who, for the second or subsequent time within one registration year, operates or consents to the operation of a vehicle under purported authority of a dealer registration plate when the vehicle is not owned or being repossessed by the dealer, distributor or manufacturer or is not otherwise authorized to be operated under authority of the dealer registration plates. A motor vehicle dealer, distributor or manufacturer may also be required to pay a forfeiture of \$200 for each offense.

This bill repeals the requirement that DOT revoke the license of a motor vehicle dealer, distributor or manufacturer for misusing or consenting to the misuse of a

who misuses a dealer plate in this manner

BILL

dealer registration plate for a second or subsequent time within one registration year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 218.01 (3a) of the statutes is repealed.

2 **SECTION 2.** 218.01 (8) of the statutes is amended to read:

218.01 (8) PENALTIES. Except for sub. (3) (a) 1., 3., 6., 7., 11., 12., 13., 20., 25., 29. and 30., and except for violations for sub. (2) (a), (2a), ~~(3a)~~ (e) or (7b), any person violating this section may be required to forfeit not less than \$25 nor more than \$500 for each violation.

7 (END)

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 11/30/98

To: Transportation ^{Rep.} (Brandemuehl)

Relating to LRB drafting number: LRB-0298

Topic

Dealer plate violation penalties

Subject(s)

Transportation - mot veh dealers

1. **JACKET** the draft for introduction Brandemuehl

in the **Senate** _____ or the **Assembly** ☒ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Brandemuehl

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926

Not needed